

REMARKS

Claims 1-9 are pending in this application. Claims 1 and 5 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph; rejected claims 1-2, 6 and 9 under 35 U.S.C. §102(b) as being anticipated by Numazu (USP 5,765,082); rejected claims 3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of Futoshi (JP-292753); and rejected claims 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of alleged well-known art. Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 1 asserting the term “the axis” does not have proper antecedent basis. By this amendment, Applicants have canceled this term from the claim. As such, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections – 35 U.S.C. §102

Claim 1, as amended, requires an image forming apparatus comprising a plurality of image carriers arranged in a sheet transporting direction, the plurality of image carriers comprising an image carrier of black and an image carrier of a color other than black; and a transfer unit, which has a plurality of transfer members corresponding to the respective image carriers, for transferring images carried on the respective image carriers, and a belt, which transports a sheet and is arranged to be suspended from two transfer members among the plurality of transfer members, wherein the plurality of transfer members comprise a transfer

member of black and a transfer member of the color other than black, wherein the transfer unit comprises a rotary fulcrum positioned at a place where the belt is not located, and whole of the transfer unit can be rotated around the rotary fulcrum in directions of moving to and from the image carriers, and wherein a distance between any two transfer members among all the plurality of transfer members comprised by the transfer unit stays constant during a rotation of the transfer unit.

As can be seen from example recitations in the specification, one embodiment includes a transfer unit 5 for transferring images carried on the respective image carriers 1 onto a sheet (page 11, lines 17-18). This transfer unit 5 comprises four transfer members (transfer rollers) 51 (51a, 51b, 51c, 51d); and an endless belt 55 (page 13, lines 8-19). In addition, the transfer unit 5 is illustrated as a “transfer unit 5 for transporting a sheet to a belt 55 for transfer” (page 19, lines 17-18).

Therefore, claim 1 requires a transfer unit, which has a plurality of a plurality of transfer members corresponding to the respective image carriers, for transferring images carried on the respective image carriers, and a belt, which transports a sheet and is arranged to be suspended from two transfer members among the plurality of transfer members.

The specification further shows, for example in Figs. 6 and 7, that the transfer unit 5 rotates about the rotary fulcrum 50 and that the transfer unit 5 moves away from an image carrier 1 positioned on one side (page 18, line 12 through page 20, line 21; page 25, lines 3-19).

Further, Figs. 5A and 5B clearly show that the rotary fulcrums 50 are positioned on both sides of the transfer unit 5, i.e., sides where the endless belt 55 are not arranged (page 15, lines 1-14).

As such, it is clear that the entire transfer unit 5 rotates about the rotary fulcrum 50. Further, it is apparent that a distance between any two transfer members among all the plurality of transfer members 51 (51a, 51b, 51c, 51d) comprised by transfer unit 5 stays constant during a rotation of the entire transfer unit 50.

Therefore, claim 1 is amended to require wherein the transfer unit comprises a rotary fulcrum positioned at a place where the belt is not located, and whole of the transfer unit can be rotated around the rotary fulcrum in directions of moving to and from the image carriers, and wherein a distance between any two transfer members among all the plurality of transfer members comprised by the transfer unit stays constant during a rotation of the transfer unit.

In support of the Examiner's rejection of claim 1, the Examiner asserts in the Official Action starting on page 2 as follows:

... now in light of the new amendments to the claim 1, examiner interprets ... the transfer unit to be at least the combination of movable arm 55, cam 63, drum 42 and brushes 44d-45d in figs. 1A-2A of Numazu to sufficiently teach the transfer unit of the newly amended claim.

Examiner further asserts that image transfer brushes 44a, 44b, 44c and 44d correspond to the four photosensitive drums 41a, 41b, 41c and 42, respectively (col. 10, lines 31-54) and are regarded as to teach the "transfer members" of claim 1. Furthermore, transfer brush 44d is for photosensitive drum 42 corresponding to an image forming unit 77d containing black toner (col. 14, lines 39-46). Transfer brush 44d is part of the transfer unit and thus, transfer unit of Numazu successfully discloses to include the transfer member of black color...

As can be seen from the Examiner's assertions, the Examiner is relying upon a combination of elements 55, 63, 42, and 44a-44d to teach the transfer unit of claim 1. The Examiner is further relying upon element 63 to teach the rotary fulcrum of claim 1.

However, the combination of an element 55, 63, 42 and 44a-44d does not rotate about the element 63, but may rotate about element 59.

Further, element 63 of Numazu is not positioned at a place where the belt is not arranged. Element 63 Numazu is apparently positioned under the combination of elements 55, 63, 42 and 44a-44d.

Still further, even when the combination of elements 55, 63, 42 and 44a-44d of Numazu tries to rotate about element 59, the entire combination of elements 55, 63, 42 and 44a-44d cannot rotate, although a combination of elements 55, 63, 42 and 44a-44c that is a part of the combination of elements 55, 63, 42 and 44a-44d of Numazu may rotate as a whole.

Moreover, even when the combination of elements 55, 63, 42 and 44a-44d of Numazu tries to rotate about element 59, a distance between any two transfer members along all of the plurality of transfer members 44a-44d comprised by the combination of elements 55, 63, 42 and 44a-44d does not stay constant during the rotation. Although a distance between any two transfer members among some transfer members 44a-44c of all the plurality of transfer members 44a-44d comprises by the combination of elements 55, 63, 42 and 44a-44d may stay constant during the rotation.

For at least these reasons, Applicants respectfully submit that claim 1 is not anticipated by Numazu. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully requested that claims 2-4 and 6-9 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. It is further respectfully submitted that claim 5 includes elements similar to those set forth above with regard to claim 1 and thus claim 5 is allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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